



W.P.(MD).No.20094 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20094 of 2023

S.S.Prakash

... Petitioner

Vs

1. The Principal Secretary,
Health and Family Welfare Department,
Fort. St. George, Chennai.

2. The Commissioner,
Tamil Nadu Food Safety and Drug Administration Department,
359, DMS Compound, Anna Salai, Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pass orders on the appeal preferred by the petitioner through representation dated 17.12.2021, within the time stipulated by this Court.

For Petitioner : Mr.S.Pon Senthil Kumaran

For Respondents : Mr.P.Thambidurai
Government Advocate



W.P.(MD).No.20094 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking a direction to the respondent to pass orders on the appeal preferred by the petitioner through representation dated 17.12.2021, within the time stipulated by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.S.Pon Senthil Kumaran, learned counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing for the respondents.

4.(i).The petitioner was appointed as Health Inspector, Gr.II in the year 2007 with effected from 18.10.2007 and joined service at Killiyannur Block, Villupuram District. Thereafter, he was appointed as Food Inspector by recruitment by transfer on 04.08.2011. Both the Health Department and the Food Safety Department comes under the administrative control of the second respondent. He was further promoted as Food Safety Officer on 22.10.2011 and posted as the Food Safety Officer at Manaparai Block, Trichy District.



W.P.(MD).No.20094 of 2023

WEB COPY

(ii) While so, the second respondent had issued a charge memo against the petitioner, by proceedings, dated 27.02.2015 under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal Rules) for certain alleged irregularities in work place. The petitioner had submitted a detailed explanation and sought for setting aside the charge memo issued against him.

(iii) An Enquiry Officer was appointed for conducting enquiry and the enquiry report was also submitted by the said officer on 25.04.2016. Based on the enquiry report, further explanation was also submitted by the petitioner on 11.05.2016. However, without appreciating the petitioner's explanation vide proceedings, dated 23.12.2019, the second respondent had concluded that the charge against the petitioner had been proved and imposed punishment of stoppage of increment for one year without cumulative effect.

(iv) Assailing the same, the petitioner has preferred an appeal before the first respondent on 17.12.2021. Without proper appreciation so far, the said appeal is pending. Hence, the writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders



W.P.(MD).No.20094 of 2023

WEB COPY

in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. It is made clear that without going into the merits of this case, this Court hereby directs the first respondent to pass appropriate orders on the appeal dated 17.12.2021 preferred by the petitioner, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

18.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

PNM



W.P.(MD).No.20094 of 2023

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WEB COPY

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W.P.(MD).No.20094 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
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